IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dutta et al.** §	
§	Group Art Unit: **3693**
Serial No. **09/895,097** §	
§	Examiner: **Kirsten Sachwitz Apple**
Filed: **June 29, 2001** §	
§	
For: **User Rating System for Online** §	
Auctions §	

Commissioner for Patents
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35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on February 1, 2007.

A fee of $500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

<p style="text-align: center;">**STATUS OF CLAIMS**</p>

A.   TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-10 and 12-34.

B.   STATUS OF ALL THE CLAIMS IN APPLICATION

1.   Claims canceled: 11.

2.   Claims withdrawn from consideration but not canceled: None.

3.   Claims pending: 1-10 and 12-34.

4.   Claims allowed: None.

5.   Claims rejected: 1-10 and 12-34.

6.   Claims objected to: None.

C.   CLAIMS ON APPEAL

The claims on appeal are: 1-10 and 12-34.

STATUS OF AMENDMENTS

An Amendment after Final Office Action was not filed. Therefore, the claims on appeal herein are as presented in the Response to Office Action dated August 18, 2006.

SUMMARY OF CLAIMED SUBJECT MATTER

A.   CLAIM 1 - INDEPENDENT

The subject matter of claim 1 is directed to a method of rating an online auction user (specification, p. 1, ll. 6-10; and specification p. 6, ll. 3-5; Figure 12, blocks 1206, 1212, 1214, and 1220). The method includes receiving personal information regarding the user (specification, p. 20, ll. 7-11; specification, p. 20, ll. 15-17; specification, p. 22, ll. 12-16; Figure 9, block 902); based on the personal information, obtaining objective information by a Registration Server about the user from a third party (specification, p. 16, ll. 19-23; Figure 12, block 1208); and formulating an initial value by the Registration Server for a reliability rating based on at least the objective information (specification, p. 16, ll. 19-26; Figure 9, block 904).

B.   CLAIM 9 - INDEPENDENT

The subject matter of claim 9 is directed to a method in a data processing system for managing auctions (specification, p. 1, ll. 6-10; and specification p. 6, ll. 3-5; specification, p. 7, ll. 10-11; specification, p. 10, ll. 4-8; Figure 1). The method includes receiving personal data about a user (specification, p. 20, ll. 7-11; specification, p. 20, ll. 15-17; specification, p. 22, ll. 12-16; Figure 9, block 902); based on the personal data, obtaining objective information by a Registration Server about the user from a third party (specification, p. 16, ll. 19-23; Figure 12, block 1208); formulating an initial value by the Registration Server for a reliability rating based on at least the objective information for the user (specification, p. 16, ll. 19-26; Figure 9, block 904); and based on the user's reliability rating, regulating the user's access to selected auctions (specification, p. 20, l. 27 through p. 21, l. 8).

C.   CLAIM 19 - INDEPENDENT

The subject matter of claim 19 is directed to a computer program product in a computer-readable medium for rating an online auction user (specification, p. 1, ll. 6-10; and specification p. 6, ll. 3-5; Figure 12, blocks 1206, 1212, 1214, and 1220). The computer program product includes instructions for receiving personal information regarding the user (specification, p. 20, ll. 7-11; specification, p. 20, ll. 15-17; specification, p. 22, ll. 12-16; Figure 9, block 902); based on the personal information, obtaining objective information by a Registration Server about the

user from a third party (specification, p. 16, ll. 19-23; Figure 12, block 1208); and formulating an initial value by the Registration Server for a reliability rating based on at least the objective information (specification, p. 16, ll. 19-26; Figure 9, block 904).

D.   CLAIM 27 - INDEPENDENT

The subject matter of claim 27 is directed to a data processing system for rating an online auction user (specification, p. 1, ll. 6-10; and specification p. 6, ll. 3-5; Figure 12, blocks 1206, 1212, 1214, and 1220). The data processing system includes a bus system (specification, p. 11, ll. 14-16; specification, p. 11, l. 18; specification, p. 11, ll. 24-26); a memory connected to the bus system (specification, p. 11, ll. 18-20); a processing unit including at least one processor (specification, p. 11, ll. 14-17; and a set of instructions located within the memory (specification, p. 14, ll. 4-7; specification p. 25, ll. 18-22). The processing unit executes the set of instructions to perform the acts of receiving personal information regarding the user (specification, p. 20, ll. 7-11; specification, p. 20, ll. 15-17; specification, p. 22, ll. 12-16; Figure 9, block 902); based on the personal information, obtaining objective information by a Registration Server about the user from a third party (specification, p. 16, ll. 19-23; Figure 12, block 1208); and formulating an initial value by the Registration Server for a reliability rating based on at least the objective information (specification, p. 16, ll. 19-26; Figure 9, block 904).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to review on appeal are as follows:

A.   GROUND OF REJECTION 1

Whether the Examiner failed to state a *prima facie* obviousness rejection against claims 1-10 and 12-34 under 35 U.S.C. § 103(a) over Wellman, System and Method for Matching Multi-Attribute Auction Bids, US Patent Number 6,952,682, dated October 4, 2005 (hereinafter *"Wellman")* in view of eBay (Non-patent literature website), dated March 1, 2000 (hereinafter *"eBay"*.

Although the Final Office Action indicates at page 2 that claims 1-10 and 12-34 are rejected under 35 U.S.C. 102(e) as anticipated by *Wellman*, the Examiner has since clarified that this rejection is merely a typographical error and should therefore be ignored.

<u>**ARGUMENT**</u>

I.   GROUND OF REJECTION 1 (Claims 1-10 and 12-34)

      A.   Group A, claims 1, 19, and 27

Claim 1 is a representative claim in this grouping of claims. Claim 1 is as follows:

          1.   A method of rating an online auction user comprising the steps of:
              receiving personal information regarding the user;
              based on the personal information, obtaining objective information
        by a Registration Server about the user from a third party; and
              formulating an initial value by the Registration Server for a
      reliability rating based on at least the objective information.

      1.   Response to Rejection

The Examiner has not stated a *prima facie* obviousness rejection as to claim 1 because the proposed combination of references fails to teach all the features recited in claim 1. Further, the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references.

          a.   The Proposed Combination of References Fails to Teach all the Features Recited in Claim 1

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). In the case at hand, the proposed combination of references fails to teach or suggest the claimed subject matter to a person of ordinary skill in the art. In particular, the Examiner failed to state a *prima facie* obviousness rejection because the proposed combination of references fails to teach the feature, "formulating an initial value by the Registration Server for a reliability rating based on at least the objective information."

      In rejecting claim 1, the Examiner states that:

          Re claim 1: Wellman discloses:
          A method of rating online auction users: (see Wellman, title +
      Column 2, line 21 "rating" & "reliability",)

Receiving personal information regarding the user (see Wellman, figure 5B, item 554, these attributes are listed in Figure 2 including "buyer credit rating")

Obtaining objective information about the user from a third party (see Wellman, Figure 5B, item 554, these attributes are listed in Figure 2 including "buyer credit rating")

Formulating an initial value (see Wellman, Figure 5A, Item 508)

Although Wellman does not have formulating an initial value by the Registration Server, Ebay claims, "by the Registration Server" (See ebay feedback forum and feedback rating system)

Final Office Action dated November 6, 2006, pp. 2-3.

The Examiner believes first, that *Wellman* teaches formulating an initial value…for a reliability rating, and second, that *eBay* teaches that a registration server performs the formulating step. The Examiner asserts that *Wellman* teaches formulating an initial value…for a reliability rating in Figure 5A, item 508, which is reproduced below:
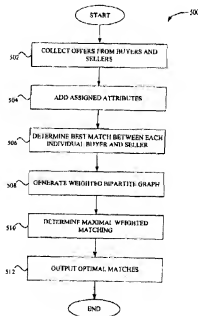

FIG. 5A

Wellman, Figure 5A.

However, at step 508, Figure 5A discloses *generating a weighted bipartite graph* rather than formulating an initial value…for a reliability rating based on at least the objective information as recited by claim 1. As shown in Figure 5A, after the best match between each buyer and each seller is determined in step 506, the results of step 506 generate a weighted bipartite graph in step 508. Generating a graph is not the same as formulating an initial value, as

the Examiner proposes, because a graph is not the same as an initial value. A graph may incorporate an initial value, but the two are entirely distinct. For example, Figure 5A of *Wellman* indicates that the weighted bipartite graph is generated based on the best match between each individual buyer and seller. Thus, because a weighted bipartite graph is not also an initial value, Figure 5A, item 508 does not teach formulating an initial value by a Registration Server for a reliability rating based on at least the objective information, as recited in claim 1.

Furthermore, no other portion of *Wellman* can be cited in support of the proposition that *Wellman* teaches or suggests *formulating* an initial value by a Registration Server for a reliability rating based on at least the objective information, because *Wellman* explicitly states that any reliability attributes are *pre-assigned*. For example, *Wellman* states that:

> The buyer credit rating and the seller reliability attributes are preferably pre-assigned by the market system to each buyer and seller, respectively. For example, the buyer credit rating may be a rating assigned by reference to a third-party source such as DUN & BRADSTREET.

Wellman, col. 6, lines 45-47.

Because *Wellman* specifically discloses that reliability attributes are *pre-assigned* by the market system, and in particular by a third-party source, *Wellman* fails to teach or suggest *formulating* an initial value...for a reliability rating, as recited in claim 1.

Furthermore, claim 1 was previously amended to disclose that this "formulating" step is accomplished by a Registration Server. Appellants agree with the Examiner that *Wellman* fails to teach formulating an initial value *by the Registration Server* for a reliability rating based on at least the objective information. The Examiner, however, mistakenly asserts that *eBay* discloses that the feature "formulating an initial value" is performed "by the Registration Server." In contrast to the Examiner's assertions, *eBay* is devoid of any reference to a registration server, as is recited in claim 1. Consequently, *eBay* fails to teach that the formulating step is performed by a registration server.

Additionally, *eBay* provides only a discussion on the benefits of using a Feedback Forum where buyers and sellers can leave comments about persons with whom the buyers and sellers do business. For example, *eBay* states:

> Why is the Feedback Forum One of Your Most Valuable Tools?
> Every eBay user has a Feedback Profile made up of comments from other traders – an official "reputation."

. . .

> By exercising good business practices, you will earn positive
> testimonials within the eBay community. The more positive feedback you
> received, the more stellar your reputation becomes!

eBay, p. 1.

As can be seen, *eBay* is directed to providing information to users about *eBay's* Feedback Forum that is used to establish an online reputation. *eBay*, however, fails to show a registration server for formulating initial values. In contrast, because *eBay* provides only a discussion about how users leave one another comments to establish a reputation via a Feedback Forum, *eBay* fails to also suggest formulating an initial value *by the Registration Server* for a reliability rating based on at least the objective information, as recited by claim 1.

Therefore, because neither reference individually teaches or suggests formulating an initial value by the Registration Server for a reliability rating based on at least the objective information, the combination of references also does not teach or suggest the missing feature. Consequently, the proposed combination of references fails to teach or suggest all the features recited in claim 1. Similarly, because claims 19 and 27 recite substantially similar features as claim 1, the proposed combination of references also fails to teach or suggest all the features of claims 19 and 27. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claims 1, 19, and 27.

Additionally, because claims 3, 6, 21, 24, 29, and 32 depend from at least one of claims 1, 19, and 27, the proposed combination of references also fails to teach all the features of claims 3, 6, 21, 24, 29, and 32, at least by virtue of their dependency from one of claims 1, 19, and 27. Therefore, the Examiner has also failed to state a *prima facie* obviousness rejection against claims 3, 6, 21, 24, 29, and 32.

b.   The Examiner Failed to State a Proper Teaching, Suggestion, or Motivation to Combine the References

In addition, the Examiner has not stated a *prima facie* obviousness rejection as to claim 1 because the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references. Instead, the Examiner states the unsupported conclusion that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to add formulating an initial value by the Registration Server as taught in Ebay to Wellman." (Final Office Action

dated November 6, 2006, p. 3). Furthermore, as to the proposed "motivation" for combining the two references, the Examiner states that "[i]t is clear that one would be motivated because valuable tool to help auction traders." (*Id*). Neither of the two statements proffered by the Examiner satisfies the Examiner's initial burden that is required for stating a *prima facie* obviousness rejection. The Manual of Patent Examining Procedure provides that, "The initial burden is on the examiner to provide *some suggestion* of the desirability of doing what the inventor has done." *See, e.g.*, MPEP § 2142.

With respect to the Examiner's first statement that the proposed combination of references would be obvious to one of ordinary skill in the art, the Examiner's failure to provide any support for the suggestion of the desirability renders the obviousness rejection improper. In order "[t]o support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). Because neither reference expressly or impliedly suggests the claimed invention, as Appellants have proven in section I.A.1.a., and because the Examiner's second statement fails to provide the "convincing line of reasoning" required by *Ex parte Clapp*, the Examiner has not satisfied the Examiner's initial burden and the obviousness rejection against claims 1, 19, and 27 is improper.

        c.   No Proper Teaching, Suggestion, or Motivation Exists to Combine the References in the Manner Suggested by the Examiner

In addition, the Examiner has not stated a *prima facie* obviousness rejection as to claim 1 because no proper teaching, suggestion, or motivation exists to combine the references in the manner proposed by the Examiner. No proper teaching, suggestion, or motivation exists because the cited references are directed toward solving different problems. It is necessary to consider the reality of the circumstances – in other words, common sense – in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992); *In re Wood*, 599 F.2d 1032, 1036, 202 U.S.P.Q. 171, 174 (CCPA 1979). Because the cited references do not address the same problems, common sense dictates that one of ordinary skill in the art would not be

reasonably expected to look for a solution to the problem facing the inventor in the references cited by the Examiner.

eBay is directed to solving the problem of establishing a virtual, online reputation for users of an online auction by providing information about a buyer's or seller's history to others who are contemplating doing business with the buyer or seller. For example, *eBay* provides:

> Why is the Feedback Forum One of Your Most Valuable Tools?
> Every eBay user has a Feedback Profile made up of comments from other traders – an official "reputation."
> ...
>
> By exercising good business practices, you will earn positive testimonials within the eBay community. The more positive feedback you received, the more stellar your reputation becomes!

eBay, p. 1.

Wellman, on the other hand, is directed to the problem of collecting and matching multi-attribute auction bids from buyers and sellers participating in online auctions. For example, *Wellman* provides the following:

> In some cases, a buyer and/or a seller may wish to negotiate non-price attributes of the good or service, particularly in business-to-business transactions. The price of the good or service may be dependent at least in part upon these non-price attributes. Such multi-attribute negotiation or auction may be particularly useful and beneficial in, for example, procurement transactions. Further, such multi-attribute or multidimensional negotiation or auction may be among multiple sellers and multiple buyers. However, conventional online auction mechanisms do not provide for collection of multi-attribute bids from buyers and sellers nor do they provide for optimal clearing of such multi-attribute buyer and seller bids.
>
> What is needed is a system and method for allowing systematic and simultaneous negotiation in multiple dimensions. It is desirable to provide a system and method for collecting multi-attribute bids from buyers and sellers. Ideally, each attribute of the bid collected from buyers and sellers is specified in relation to a uniform quantification unit. It is further desirable to provide a system and method for automated clearing of the multi-attribute buyer and seller bids to result in an optimal matching of buyer and seller bids.

Wellman, col. 1, lines 27-48.

As is evident, *Wellman* is directed to the problem of collecting multi-attribute bids from buyers and sellers whereas *eBay* is directed to solving the problem of establishing user reputations. Based on the plain disclosures of the references themselves, the references address completely distinct problems that are unrelated to each other. Because the problem of building a reputation in an online auction community is wholly distinct from the problem of collecting and matching multi-attribute bids from buyers and sellers, one of ordinary skill would have no reason to combine or otherwise modify the references to achieve the invention of claims 1, 19, and 27. Thus, no proper teaching, suggestion, or motivation exists to combine the references in the manner suggested by the Examiner. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection against claims 1, 19, and 27.

2. Rebuttal to the Examiner's Reply

In response to the facts raised above, the Examiner states the following:

> In particular, and respect to Claim 1 the Applicant argued 1st:
> "Wellman does not teach 'formulating an initial value… for a reliability rating' "
> The Examiner refutes the argument made by the Applicant and draws the attention Wellman Figure 5A, item 510 "determining maximal weighted matching" clearly from the flow diagram that the matching is taking into consideration the buyer credit rating since this is one of the 6 attributes as found in item 504, 3 steps earlier in the flow diagram.

Final Office Action dated November 6, 2006, p. 6.

The Examiner argues that item 510 of Figure 5A which recites "determining maximal weight matching" teaches the feature "formulating an initial value by a Registration Server for a reliability rating" because "the matching is taking into consideration the buyer credit rating." The Examiner, however, is mistaken for two reasons. First, "determining maximal weighted matching" is not the same as "formulating an initial value." The determination of maximal weighted matching does not also *formulate* initial values. Instead, existing values are *compared* to one another during this matching step. Second, by the Examiner's own statement, the determination of maximal weighted matching takes into consideration the buyer credit rating; therefore, the determination of maximal weighted matching cannot also be used for a reliability rating. In other words, if a reliability rating is *used for* determining maximal weighted matching, the determination of maximal weighted matching is not *for* a reliability rating. Thus, item 510 of

Figure 5A fails to teach the feature "formulating an initial value by a Registration Server for a reliability rating" as proposed by the Examiner. Thus, because the Examiner has not refuted Appellants' contention that the proposed combination of references fails to teach or suggest all the features recited in claim 1, the Examiner has not stated a *prima facie* obviousness rejection as to claim 1. Likewise, the Examiner has not stated a *prima facie* obviousness rejection as to independent claims 19 and 27 as these claims recite substantially similar features as claim 1.

B.   Group B, claims 2, 12, 20, and 28

Claim 2 is a representative claim in this grouping of claims. Claim 2 is as follows:

> 2.   The method of claim 1, wherein the objective information includes a credit report.

1.   Response to Rejection

The Examiner has not stated a *prima facie* obviousness rejection as to claim 2 because the proposed combination of references fails to teach all the features recited in claim 2. Further, the Examiner has not any teaching, suggestion, or motivation to combine the references.

a.   The Proposed Combination of References Fails to Teach all the Claimed Features

In section I.A.1.a., Appellants proved that the proposed combination of *Wellman* and *eBay* failed to teach the feature "formulating an initial value by the Registration Server for a reliability rating based on at least the objective information," as recited in claim 1. Because claim 2 depends from claim 1, the same argument set forth in section I.A.1.a. as to the proposed combination of *Wellman* and *eBay* vis-à-vis claim 1 apply to claim 2. Thus, the proposed combination of *Wellman* and *eBay* also fails to teach all the features of claim 2. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 2 or any other claim in this grouping of claims at least for this reason

Additionally, the Examiner has not stated a *prima facie* obviousness rejection as to claim 2 because *Wellman* fails teach the feature, "wherein the objective information is a *credit report*," as recited in claim 2. The Examiner believes otherwise, stating:

> Objective information includes a credit report (see Wellman, Figure 2, "buyer credit report")

Final Office Action dated November 6, 2006, p. 3.

In contrast to the Examiner's assertion, Figure 2 fails to actually show a buyer *credit report*. Instead, Figure 2 shows only a buyer *credit rating*. Figure 2 is as follows:

ATTRIBUTE	VALUE
QUALITY 1	26
QUALITY 2	8
TIME	≥30 DAYS
DELIVERY	SAN FRANCISCO
BUYER CREDIT RATING	6
PRICE	60

FIG. 2

As can be seen, Figure 2 depicts an illustration of a seller-utilized input screen for submitting a set of exclusive multi-attribute bids. The corresponding text of *Wellman* further provides that, "The input screen 200 allows the seller to specify six predefined attributes of the good or service offered." (*Wellman*, col. 4, ll.42-47). As indicated, the seller can specify a certain *value* for a credit rating. Although a credit report may be used to derive a credit rating, the two are not analogous, particularly in the context of *Wellman*. For example, a buyer's credit report cannot be used by *Wellman* in order to match multi-attribute bids to a collection of buyers because the buyer's credit report is not a *value* that can be matched or compared. If the buyer's credit report cannot be matched or compared, then that attribute would not be usable in order to match buyers and sellers and would therefore serve no purpose. For this reason, *Wellman* also does not suggest that the buyer's credit *rating* can also be a buyer's credit *report*. Consequently, *Wellman* fails to actually show or suggest that an attribute can be a credit report. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection as to claim 2 and any other claim in this grouping of claims.

Similarly, *eBay* also does not teach or suggest the feature, wherein the objective information includes a credit report, and the Examiner does not assert otherwise. As discussed

above, *eBay* provides only a discussion on the benefits of using a *feedback forum* where *buyers and sellers* can leave *comments* about persons with whom the buyers and sellers do business. The comments are used to establish an online reputation. Consequently *eBay* fails to teach or suggest presenting to a user a rationale for receiving an initial value for a reliability rating based on at least the objective information because *eBay* explicitly teaches that users of eBay's Feedback Forum may continually provide subjective information about other users.

Therefore, because neither reference individually teaches or suggests the feature "wherein the objective information includes a credit report," the combination of references also does not teach or suggest the missing feature. Consequently, the proposed combination of references fails to teach or suggest all the features recited in claim 2. Similarly, because claims 12, 20, and 28 recite substantially similar features as claim 2, the proposed combination of references also fails to teach or suggest all the features of claims 12, 20, and 28. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection against claim 2 or any other claim in this grouping of claims.

> **b.** **The Examiner Failed to State a Proper Teaching, Suggestion, or Motivation to Combine the References**

In section I.A.1.c., Appellants proved that the Examiner failed to state a proper teaching, suggestion, or motivation to combine the references with respect to claim 1. Because the Examiner has not proffered a separate teaching, suggestion, or motivation to combine the references with respect to claim 2, Appellants surmise that the Examiner is relying upon the same teaching, suggestion, or motivation to combine that the Examiner set forth with respect to claim 1. As such, the Examiner has failed to state a *prima facie* obviousness rejection as to the claims of Group B because the Examiner failed to state a proper teaching, suggestion, or motivation to combine *Wellman* and *eBay*, as already discussed in section I.A.1.c., above.

> **2.** **Rebuttal to the Examiner's Reply**

In response to the facts established above, the Examiner states:

> Applicants argued 2nd, "claim 2 specifically recites that the objective information of claim 1 includes a credit report."
> The Examiner refutes the argument made by the Applicant and draws the attention to Wellman, Figure 2, "buyer credit report." It is

> inherent how the credit report was obtained and that it is used as part of
> the process of matching buyers and sellers in Figure 5A and 5B.

Final Office Action dated November 6, 2006, page 6.

In contrast to the Examiner's statement, Figure 2 of *Wellman* does not actually indicate a "buyer credit report." Instead, Figure 2, which was reproduced above, depicts a "buyer credit rating." As argued above, the credit rating of *Wellman* is not the same as a credit report recited in claim 2. Furthermore, given the fact that Figure 2 does not actually disclose a "buyer credit report," the Examiner's statement that "it is inherent how the credit report was obtained and that it is used as part of the process of matching buyers and sellers" is irrelevant. Additionally, as discussed above, Figure 2 is a sample seller-utilized input screen for submitting a set of exclusive multi-attribute bids. *Wellman* teaches that the six attributes of Figure 2 are attributes of a buyer specified by a seller. Importantly, the seller can specify a desired credit rating of a buyer without the use of a credit report. Thus a credit report is unnecessary in the context of *Wellman*. Therefore, because *Wellman* fails to actually disclose a credit report or that a credit report is used in any way with respect to matching buyers and sellers in an online auction environment, *Wellman* does not teach all the features of claim 2, or claims 12, 20, and 28, which recite substantially similar features. Accordingly, the Examiner has failed to state a *prima facie* obviousness rejection as to claim 2 and all other claims in this grouping of claims.

C.   Group C, claims 4, 5, 14, 15, 22, 23, 30, and 31

Claim 4 is as follows:

> 4.   The method of claim 1, comprising the additional steps of:
> receiving a transaction history for the user; and
> modifying the reliability rating based on the transaction history.

1.   Response to Rejection

The Examiner has not stated a *prima facie* obviousness rejection as to claim 4 because the proposed combination of references fails to teach all the features recited in claim 4. Further, the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references.

a. The Proposed Combination of References Fails to Teach all the Claimed Features

In section I.A.1.a., Appellants proved that the proposed combination of *Wellman* and *eBay* failed to teach the feature "formulating an initial value by the Registration Server for a reliability rating based on at least the objective information," as recited in claim 1. Because claim 4 depends from claim 1, the same argument set forth in section I.A.1.a. as to the proposed combination of *Wellman* and *eBay* vis-à-vis claim 1 apply to claim 4. Thus, the proposed combination of *Wellman* and *eBay* also fails to teach all the features of claim 4. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 4 or any other claim in this grouping of claims at least for this reason.

Additionally, the Examiner has not stated a *prima facie* obviousness rejection as to claim 4 because *Wellman* fails to teach or suggest all the features recited in claim 4. In particular, assuming *arguendo* that a *credit rating* can be properly considered a *transaction history*, *Wellman* fails to teach or suggest "modifying the reliability rating based on the transaction history," as recited in claim 4. The Examiner believes otherwise and states the following:

> Re claim 4: Wellman discloses:
> Receiving a transaction history for the user (see Wellman, Figure 2, "buyer credit rating" it is well know that a buyer credit rating is made up of a transaction history)
> Modifying the reliability rating based on the transaction (see Wellman, Figure 5A, Item 508)

Final Office Action dated November 6, 2006, p. 3.

The Examiner again references Figure 5A, item 508 as disclosing this modifying feature. However, as shown and discussed above, Figure 5A discloses *generating a weighted bipartite graph*. Simply stated, item 508 of Figure 5A does not teach modifying the reliability rating based on the transaction history because *generating a graph* is not the same as *modifying a reliability rating*. A graph is generated based upon data. The generation of the graph based upon the data does not modify the data, but rather presents the data in a graphical form. Thus, item 508 that recites "generating a weighted bipartite graph" cannot be cited for the proposition of teaching the feature "modifying the reliability rating based on the transaction", as recited by claim 4. Furthermore, as indicated in section I.A. above, the generation of the weighted bipartite

graph is *based upon the best match between each buyer and seller* before any transaction actually occurs, whereas claim 4 recites "modifying the reliability rating *based on the transaction.*" Consequently, Figure 5A of *Wellman* fails to disclose "modifying the reliability rating based on the transaction history," as recited in claim 1.

Similarly, *eBay* also does not teach or suggest the feature, modifying the reliability rating based on the transaction history, and the Examiner does not assert otherwise. As discussed above, *eBay* provides only a discussion on the benefits of using a *feedback forum* where *buyers and sellers* can leave *comments* about persons with whom the buyers and sellers do business in order to establish an online reputation. The subjective comments contemplated by the *eBay* are wholly distinct from the reliability rating recited in claim 4, which is formulated based upon objective information. As such, *eBay* fails to show or suggest modifying the reliability rating as recited by claim 4.

Therefore, because neither reference individually teaches or suggests the feature "modifying the reliability rating based on the transaction history," the combination of references also does not teach or suggest the missing feature. Consequently, the proposed combination of references fails to teach or suggest all the features recited in claim 4. Likewise, because claims 5, 14, 15, 22, 23, 30, and 31 also recite, "modifying the reliability rating," the proposed combination of references also fails to teach or suggest all the features recited in claims 5, 14, 15, 22, 23, 30, and 31. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 4 or any other claim in this grouping of claims.

> **b.   The Examiner Failed to State a Proper Teaching, Suggestion, or Motivation to Combine the References**

In section I.A.1.c., Appellants proved that the Examiner failed to state a proper teaching, suggestion, or motivation to combine the references with respect to claim 1. Because the Examiner has not proffered a separate teaching, suggestion, or motivation to combine the references with respect to the claim 4, Appellants surmise that the Examiner is relying upon the same teaching, suggestion, or motivation to combine that the Examiner set forth with respect to claim 1. As such, the Examiner has failed to state a *prima facie* obviousness rejection as to the claims of Group C because the Examiner failed to state a proper teaching, suggestion, or motivation to combine *Wellman* and *eBay*, as already discussed in section I.A.1.c. above.

2. Rebuttal to the Examiner's Reply

In response to the facts presented above, the Examiner states:

> Applicants argued 3rd, "claim 4, Wellman does not teach 'receiving transaction history."
> First, the examiner would like to apologize because as the applicant appropriately pointed out the examiner omitted the reference section for claim 4, the correction has been made in this action. However, the Examiner refutes the argument made by the Applicant and draws the attention to Wellman Figure 2 "buyer credit rating." It is well know that a buyer credit rating is made up of a transaction history)

Final Office Action dated November 6, 2006, p. 7.

As Appellants have discussed above, even assuming *arguendo* that a buyer credit rating is a transaction history, *Wellman* still fails to teach "*modifying the reliability rating* based on the transaction history." Consequently, *Wellman* does not teach all the features of claim 4, or claims 5, 14, 15, 22, 23, 30, and 31 which also recite "modifying the reliability rating." Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 4 or any other claim in this grouping of claims.

D. Group E, claims 7, 17, 25, and 33

Claim 7 is a representative claim in this grouping of claims. Claim 7 is as follows:

> 7. The method of claim 1, wherein the reliability rating includes at least one of a buying limit and a selling limit.

1. Response to Rejection

The Examiner has not stated a *prima facie* obviousness rejection as to claim 7 because the proposed combination of references fails to teach all the features recited in claim 7. Further, the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references.

a. The Proposed Combination of References Fails to Teach all the Claimed Features

In section I.A.1.a., Appellants proved that the proposed combination of *Wellman* and *eBay* failed to teach the feature "formulating an initial value by the Registration Server for a
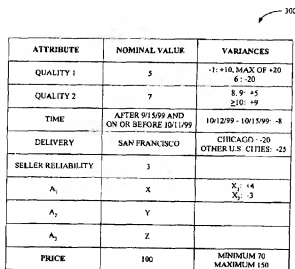
reliability rating based on at least the objective information," as recited in claim 1. Because claim 7 depends from claim 1, the same argument set forth in section I.A.1.a. as to the proposed combination of *Wellman* and *eBay* vis-à-vis claim 1 apply to claim 7. Thus, the proposed combination of *Wellman* and *eBay* also fails to teach all the features of claim 7. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 7 or any other claim in this grouping of claims at least for this reason.

Additionally, the Examiner failed to state a *prima facie* obviousness rejection against claim 7 because *Wellman* does not teach or suggest all the features recited in claim 7. In particular, assuming *arguendo* that a *credit rating* can be properly considered a "transaction history," *Wellman* fails to teach or suggest "modifying the reliability rating based on the transaction history," as recited in claim 7. The Examiner believes otherwise and states the following:

> Re claim 7: Wellman discloses:
> Reliability rating includes at least one of a buying limit and a
> selling [limit] (see Wellman, Figure 3, price "minimum and maximum)

Final Office Action dated November 6, 2006, p. 4.

Figure 3 is as follows:

300

ATTRIBUTE	NOMINAL VALUE	VARIANCES
QUALITY 1	5	-1: +10, MAX OF +20 6 : -20
QUALITY 2	7	8, 9: +5 ≥10: +9
TIME	AFTER 9/15/99 AND ON OR BEFORE 10/11/99	10/12/99 - 10/15/99: -8
DELIVERY	SAN FRANCISCO	CHICAGO: -20 OTHER U.S. CITIES: -25
SELLER RELIABILITY	3	
A₁	X	X₁: +4 X₂: -3
A₂	Y	
A₃	Z	
PRICE	100	MINIMUM 70 MAXIMUM 150

FIG. 3

Figure 3 is a *buyer input screen* in which a buyer may specify a set of attributes of the good or service offered. (*Wellman*, col. 5, ll. 61-63). The "price" attribute in the buyer input screen contains a variance that has a minimum and maximum value. Figure 3, however, fails to

actually show that a *reliability rating* includes at least one of a buying limit and a selling limit, as recited in claim 7, because the price attribute of *Wellman* are entirely distinct from the reliability rating of claim 7. For example, *Wellman* discloses the following about prices:

> The market system may not automatically expand certain attributes, such as delivery destination or time for delivery. In particular, a higher value of certain attributes or qualities may not necessarily correspond to a better or worse product or service.

Wellman, col. 5, lines 33-37.

In other words, *Wellman* specifies that the price attribute relates to *goods or services* that are provided at auction. The reliability rating of Claim 7, on the other hand, when read in view of claim 1 from which claim 7 depends, is not related to goods or services. Instead, a reliability rating is a value based on at least the objective information about a *user*.

Moreover, in the context of *Wellman*, the price attribute cannot also be considered a "reliability rating" because the buyer input screen already provides a "seller reliability" attribute. Having two reliability attributes would be redundant and unnecessary. Thus, *Wellman* cannot be cited for the proposition of suggesting that a *reliability rating* includes at least one of a buying limit and a selling limit. Consequently, because *Wellman* does not show or suggest the feature "wherein the reliability rating includes at least one of a buying limit and a selling limit, the Examiner has not stated a *prima facie* obviousness rejection against claim 7 or any other claim in this grouping of claims.

Similarly, *eBay* also does not teach or suggest the feature, wherein the reliability rating includes at least one of a buying limit and a selling limit, and the Examiner does not assert otherwise. As discussed above, *eBay* provides only a discussion on the benefits of using a *feedback forum* where *buyers and sellers* can leave *comments* about persons with whom the buyers and sellers do business in order to establish an online reputation. *eBay* indicates that a user's reputation may be based upon such factors as whether a seller is "highly recommended by other buyers," or whether the seller sells "quality merchandise," or whether a buyer "provides fast payment." (*eBay*, p. 1). *eBay*, however, does not show or suggest that a user's reputation is based upon a buying limit or a selling limit.

Therefore, because neither reference individually teaches or suggests the feature "modifying the reliability rating based on the transaction history," the combination of references

also does not teach or suggest the missing feature. Consequently, the proposed combination of references fails to teach or suggest all the features recited in claim 7. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 7 or any other claim in this grouping of claims.

                    b.   **The Examiner Failed to State a Proper Teaching, Suggestion, or Motivation to Combine the References**

In section I.A.1.c., Appellants proved that the Examiner failed to state a proper teaching, suggestion, or motivation to combine the references with respect to claim 1. Because the Examiner has not proffered a separate teaching, suggestion, or motivation to combine the references with respect to the claim 7, Appellants surmise that the Examiner is relying upon the same teaching, suggestion, or motivation to combine that the Examiner set forth with respect to claim 1. As such, the Examiner has failed to state a *prima facie* obviousness rejection as to the claims of Group D because the Examiner failed to state a proper teaching, suggestion, or motivation to combine *Wellman* and *eBay*, as already discussed in section I.A.1.c., above.

             2. Rebuttal to the Examiner's Reply

In response to the facts presented above, the Examiner states:

> The examiner once again agrees with the applicant's argument that seller reliability from the first office action was a misinterpretation of the claims. However, the Examiner refutes the argument made by the Applicant and draws the attention to figure 3, price, minimum and maximum.

Final Office Action dated November 6, 2006, p. 7.

Because the Examiner has not set forth any additional reason why the price attribute of Figure 3 could be considered a reliability rating, Appellants' arguments set forth above are sufficient to establish that the proposed combination of references fails to teach or suggest all the features recited in claim 7 and any other claims in this grouping of claims. Accordingly, the Examiner failed to state a *prima facie* obviousness rejection as to claim 7 and the other claims in this grouping of claims.

E. Group F, claims 8, 18, 26, and 34

Claim 8 is a representative claim in this grouping of claims. Claim 8 is as follows:

> 8. The method of claim 1, comprising the additional step of:
> presenting to the user a rationale for why the user received the
> initial value.

1. Response to Rejection

The Examiner has not stated a *prima facie* obviousness rejection as to claim 8 because the proposed combination of references fails to teach all the features recited in claim 8. Further, the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references.

a. The Proposed Combination of References Fails to Teach all the Claimed Features

In section I.A.1.a., Appellants proved that the proposed combination of *Wellman* and *eBay* failed to teach the feature "formulating an initial value by the Registration Server for a reliability rating based on at least the objective information," as recited in claim 1. Because claim 8 depends from claim 1, the same argument set forth in section I.A.1.a. as to the proposed combination of *Wellman* and *eBay* vis-à-vis claim 1 apply to claim 8. Thus, the proposed combination of *Wellman* and *eBay* also fails to teach all the features of claim 8. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 8 or any other claim in this grouping of claims at least for this reason.

Additionally, the Examiner failed to state a *prima facie* obviousness rejection against claim 8 because *Wellman* does not teach or suggest all the features recited in claim 8. In particular, assuming *arguendo* that a *credit rating* can be properly considered a "transaction history," *Wellman* fails to teach or suggest "modifying the reliability rating based on the transaction history," as recited in claim 8. The Examiner believes otherwise and states the following:

> Re claim 8: Wellman discloses:
> Presenting to the user a rationale for why the user received the

initial value (see Wellman, Figure 5A, item 508 by definition of
"graph" there must be a rational)

Final Office Action dated November 6, 2006, p. 4.

In rejection claim 8, the Examiner provides the cryptic argument, "by definition of 'graph' there must be a rational." However, the American Heritage Dictionary of the English Language, Fourth Edition, defines a graph as, "A diagram that exhibits a relationship, often functional, between two sets of numbers as a set of points having coordinates determined by the relationship." As can be seen, the definition of graph does not require "a rational" and therefore the Examiner's statement is inaccurate and thus irrelevant.

Notwithstanding the fact that the definition of "graph" does not include "a rational," Figure 5A fails to show *presenting to the user* a rationale for why the user received the initial value. As discussed in section A.1. above, Figure 5A teaches that, after the best match between each buyer and each seller is determined in step 506, the results of step 506 *generate a weighted bipartite graph* in step 508. The weighted bipartite graph is used in order to determine a maximal weighted matching between the buyers and sellers. Once the maximal weighted matching is determined, *Wellman* shows only that *optimal matches* are output, not a "rationale for why the user received the initial value" for a reliability rating.

Further, *Wellman* does not teach or suggest the feature "presenting to the user a rationale for why the user received the initial value" for the reliability rating based on at least the objective information, because *Wellman* fails to disclose that *Wellman* actually has access to the rationale for why a user received the initial value. For example, as discussed above, *Wellman* teaches that a third party source, such as Dun & Bradstreet, pre-assigns the buyer credit rating and the seller reliability attribute. (*See, e.g.*, col. 6, lines 45-47). Thus, because *Wellman* did not actually formulate the initial value, *Wellman* would not have access to the rationale of why a user would be given a particular initial value for the reliability rating. Consequently, *Wellman* fails to teach or suggest presenting to the user a rationale for why the user received the initial value, as recited by claim 8.

Similarly, *eBay* also does not teach or suggest the feature, presenting to the user a rationale for why the user received the initial value, and the Examiner does not assert otherwise. As discussed above, *eBay* provides only a discussion on the benefits of using a *feedback forum* where *buyers and sellers* can leave *comments* about persons with whom the buyers and sellers do

business in order to establish an online reputation. Consequently *eBay* would have no reason to teach or suggest "presenting to the user a rationale for why the user received the initial value" for a reliability rating based on at least the objective information.

Therefore, because neither reference individually teaches or suggests the feature "modifying the reliability rating based on the transaction history," the combination of references also does not teach or suggest the missing feature. Consequently, the proposed combination of references fails to teach or suggest all the features recited in claim 8, or claims 18, 26, and 34, which recite substantially similar features. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 8 or any other claim in this grouping of claims.

b. The Examiner Failed to State a Proper Teaching, Suggestion, or Motivation to Combine the References

In section I.A.1.c., Appellants proved that the Examiner failed to state a proper teaching, suggestion, or motivation to combine the references with respect to claim 1. Because the Examiner has not proffered a separate teaching, suggestion, or motivation to combine the references with respect to the claim 8, Appellants surmise that the Examiner is relying upon the same teaching, suggestion, or motivation to combine that the Examiner set forth with respect to claim 1. As such, the Examiner has failed to state a *prima facie* obviousness rejection as to the claims of Group E because the Examiner failed to state a proper teaching, suggestion, or motivation to combine *Wellman* and *eBay*, as already discussed in section I.A1.c., above.

2. Rebuttal to the Examiner's Reply

In response to the facts presented above, the Examiner states:

> Applicants argued 5th, "claim 8, Wellman does not teach the feature of presenting to the user a rationale"
> The Examiner refutes the argument made by the Applicant and draws the attention to see Wellman, Figure 5A, item 508 by definition of "graph" there must be a rational. In addition, Wellman, column 6, line 43-46 states "above examples include a buyers credit rating attributes for the seller input screen and the seller reliability attribute for the buyer input screen.

Final Office Action dated November 6, 2006, p. 7.

The Examiner argues again that "by definition of 'graph' there must be a rational." However, for the reasons stated in the section above, this statement does not actually teach or suggest the feature presenting to the user a rationale for why the user received the initial value. In addition, the Examiner asserts that the text of *Wellman* supports the contention that *Wellman* teaches the presenting to the user a rationale for why the user received the initial value. Specifically, the Examiner relies upon the fact that *Wellman* indicates that the seller-input screen and buyer-input screens contain a buyer credit rating attribute and seller reliability attribute, respectively. Neither of these attributes, however, is a "*rationale* for why the user received the initial value," as recited in claim 8. These attributes, as discussed above, are attributes specified by buyers and sellers in order to determine a maximal weighted matching of buyers and sellers of an online auction. Consequently, the Examiner's characterization of *Wellman* is incorrect and the Examiner's obviousness rejection of claim 8 and all other claims in this grouping of claims should be overturned for the reasons set forth above.

F.   Group G, claim 9

Claim 9 is as follows:

9.   A method in a data processing system for managing auctions, the method comprising:
        receiving personal data about a user;
        based on the personal data, obtaining objective information by a Registration Server about the user from a third party;
        formulating an initial value by the Registration Server for a reliability rating based on at least the objective information for the user; and
        based on the user's reliability rating, regulating the user's access to selected auctions.

1.   Response to Rejection

The Examiner has not stated a *prima facie* obviousness rejection as to claim 9 because the proposed combination of references fails to teach all the features recited in claim 9. Further, the Examiner has not stated a proper teaching, suggestion, or motivation to combine the references.

a. The Proposed Combination of References Fails to Teach or Suggest all the Features of Claim 9

Independent Claim 9, as amended, recites substantially similar features as independent claim 1. Appellants have shown in section I.A.1.a. that the proposed combination of *Wellman* and *eBay* fails to teach the feature "formulating an initial value *by the Registration Server* for a reliability rating based on at least the objective information for the user," as recited in claim 1. Amended claim 9 also recites this feature. Consequently, *Wellman* and *eBay* individually or in combination fail to teach all the features of claim 9 at least for the reasons set forth in section I.A.1.a., above.

Furthermore, the Examiner has not stated a *prima facie* obviousness rejection as to claim 9 because *Wellman* also does not teach the feature "based on the user's reliability rating, *regulating the user's access to selected auctions*" as recited in claim 9. The Examiner believes otherwise, asserting:

> Re claim 9: Wellman discloses:
> A method in a data processing system for managing auctions (see Wellman, title)
> Receiving personal data about a user (see Wellman, Figure 2, "buyer credit rating")
> Based on the user reliability rating, regulating the user's access to selected auctions (see Wellman, Figure 3, seller reliability, although they do not use the exact language of "regulating user access" that the low reliability calculation will clearly have an effect of limiting a seller access)
> Although Wellman does not have formulating an initial value by the Registration Server, Ebay claims, "Formulating an initial value by the Registration Server" (See ebay feedback forum and feedback rating system)

Final Office Action dated November 6, 2006, pp. 4-5.

The Examiner cites to Figure 3, reproduced below, as teaching the feature "based on the user's reliability rating, *regulating the user's access to selected auctions*. Figure 3 is as follows:

ATTRIBUTE	NOMINAL VALUE	VARIANCES
QUALITY 1	5	1: +10, MAX OF +20 6: - 20
QUALITY 2	7	8: 9 +5 2/0. -9
TIME	AFTER 9/15/99 AND ON OR BEFORE 10/1/99	10/12/99 - 10/15/99 3
DELIVERY	SAN FRANCISCO	CHICAGO -20 OTHER U.S. CITIES -25
SELLER RELIABILITY	3	
A_1	X	X_1 -4 X_2 -3
A_2	Y	
A_3	Z	
PRICE	100	MINIMUM 70 MAXIMUM 150

FIG. 3

Wellman, Figure 3.

Figure 3 illustrates a sample buyer input screen in which a buyer may specify a set of exclusive multi-attribute bids, including a seller reliability value. However, the "seller reliability" disclosed in Figure 3 does not regulate the user's access to selected auctions, as alleged by the Examiner. Instead, all buyers and sellers are permitted to participate in the auction contemplated in *Wellman*. For example, Figure 5A, reproduced and discussed above, indicates in step 506 that a best match is determined for *each individual buyer and seller* that participates in the auction. In other words, "seller reliability" is merely a variable selectable by the buyer to narrow down the plurality of sellers who are *already* participating in the auction. Furthermore *Wellman* provides that:

> Next, every possible bid of each buyer is compared with every possible bid of each seller to determine matching or compatible bids in step 706.

Wellman, col. 8, lines 60-62.

Thus, because *Wellman* teaches that every bid for each buyer is compared with every bid of each seller, *Wellman* necessarily teaches that all buyers and sellers are allowed to participate in a selected auction. Therefore, the "seller reliability" disclosed in Figure 3 does not regulate the user's access to selected auctions as this would contradict the fact that *Wellman* permits all sellers and buyers to participate in auctions. Likewise, no other portion of *Wellman* teaches or

suggests regulating the user's access to selected auctions. Accordingly, *Wellman* does not teach or suggest this missing feature of independent claim 9.

Similarly, *eBay* also does not teach or suggest the feature, based on the user's reliability rating, regulating the user's access to selected auctions, and the Examiner does not assert otherwise. As discussed above, *eBay* provides only a discussion on the benefits of using a *feedback forum* where *buyers and sellers* can leave *comments* about persons with whom the buyers and sellers do business in order to establish an online reputation. The comments users leave one another in the Feedback Forum do not purport to limit any particular user's access to an online auction. Instead, the comments merely help establish an online reputation to help users decide whether or not to conduct business with each other. Thus, *eBay* fails to show or suggest based on the user's reliability rating, regulating the user's access to selected auctions.

Therefore, because neither reference individually teaches or suggests the feature "modifying the reliability rating based on the transaction history," the combination of references also does not teach or suggest the missing feature. Consequently, the proposed combination of references fails to teach or suggest all the features recited in claim 9. Likewise, because claims 10, 13, and 16 depend from claim 9, the proposed combination of references also fails to teach or suggest the features of claims 10, 13, and 16 at least by virtue of their dependency from claim 9. Accordingly, the Examiner has not stated a *prima facie* obviousness rejection as to claim 9, 10, 13, and 16.

b. The Examiner Failed to State a Proper Teaching, Suggestion, or Motivation to Combine the References

In section I.A.1.c., Appellants proved that the Examiner failed to state a proper teaching, suggestion, or motivation to combine the references with respect to claim 1. Because the Examiner has not proffered a separate teaching, suggestion, or motivation to combine the references with respect to the claim 9, Appellants surmise that the Examiner is relying upon the same teaching, suggestion, or motivation to combine that the Examiner set forth with respect to claim 1. As such, the Examiner has failed to state a *prima facie* obviousness rejection as to the claims of Group F because the Examiner failed to state a proper teaching, suggestion, or motivation to combine *Wellman* and *eBay*, as already discussed in section I.A.1.c., above.

G.   CONCLUSION

As shown above, the Examiner's asserted rejections are in error. Therefore, Appellants request that the Board of Patent Appeals and Interferences reverse the rejections.

Respectfully submitted,

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<center>**CLAIMS APPENDIX**</center>

The text of the claims involved in the appeal are:

1.   A method of rating an online auction user comprising the steps of:

     receiving personal information regarding the user;

     based on the personal information, obtaining objective information by a Registration Server about the user from a third party; and

     formulating an initial value by the Registration Server for a reliability rating based on at least the objective information.

2.   The method of claim 1, wherein the objective information includes a credit report.

3.   The method of claim 1, wherein the personal information is received from a web client.

4.   The method of claim 1, comprising the additional steps of:

     receiving a transaction history for the user; and

     modifying the reliability rating based on the transaction history.

5.   The method of claim 1, comprising the additional steps of:

     receiving feedback about the user; and

     based on the feedback, modifying the reliability rating.

6.   The method of claim 1, comprising the additional step of:

        sharing the reliability rating with at least one auction server.

7.   The method of claim 1, wherein the reliability rating includes at least one of a buying
limit and a selling limit.

8.   The method of claim 1, comprising the additional step of:

        presenting to the user a rationale for why the user received the initial value.

9.   A method in a data processing system for managing auctions, the method comprising:

        receiving personal data about a user;

        based on the personal data, obtaining objective information by a Registration Server
about the user from a third party;

        formulating an initial value by the Registration Server for a reliability rating based on at
least the objective information for the user; and

        based on the user's reliability rating, regulating the user's access to selected auctions.

10.   The method of claim 9, wherein regulating the user's access to the selected auctions
includes one of denying the user access to the selected auctions and allowing the user access to
the selected auctions.

12.   The method of claim 9, wherein the objective information includes a credit report.

13.   The method of claim 9, wherein the personal information is received from a web client.

14.   The method of claim 9, comprising the additional steps of:

        receiving a transaction history for the user; and

        modifying the user rating based on the transaction history.

15.   The method of claim 9, comprising the additional steps of:

        receiving feedback about the user; and

        based on the feedback, modifying the user rating.

16.   The method of claim 9, comprising the additional step of:

        sharing the user rating with at least one auction server.

17.   The method of claim 9, wherein the user rating includes at least one of a buying limit and
a selling limit.

18.   The method of claim 9, comprising the additional step of:

        presenting to the user a rationale for why the user received the user rating.

19.   A computer program product in a computer-readable medium rating an online auction
user comprising instructions for:

        receiving personal information regarding the user;

        based on the personal information, obtaining objective information by a Registration

Server about the user from a third party; and

formulating an initial value by the Registration Server for a reliability rating based on at least the objective information.

20.   The computer program product of claim 19, wherein the objective information includes a credit report.

21.   The computer program product of claim 19, wherein the personal information is received from a web client.

22.   The computer program product of claim 19, comprising additional instructions for:

receiving a transaction history for the user; and

modifying the reliability rating based on the transaction history.

23.   The computer program product of claim 19, comprising additional instructions for:

receiving feedback about the user; and

based on the feedback, modifying the reliability rating.

24.   The computer program product of claim 19, comprising additional instructions for:

sharing the reliability rating with at least one auction server.

25.   The computer program product of claim 19, wherein the reliability rating includes at least one of a buying limit and a selling limit.

26.   The computer program product of claim 19, comprising additional instructions for: presenting to the user a rationale for why the user received the initial value.

27.   A data processing system for rating an online auction user comprising:

a bus system;

a memory connected to the bus system;

a processing unit including at least one processor; and

a set of instructions located within the memory,

wherein the processing unit executes the set of instructions to perform the acts of:

receiving personal information regarding the user;

based on the personal information, obtaining objective information by a Registration Server about the user from a third party; and

formulating an initial value by the Registration Server for a reliability rating based on at least the objective information.

28.   The data processing system of claim 27, wherein the objective information includes a credit report.

29.   The data processing system of claim 27, wherein the personal information is received from a web client.

30.   The data processing system of claim 27, wherein the processing unit executes the set of instructions to perform the additional acts of:

receiving a transaction history for the user; and

modifying the reliability rating based on the transaction history.

31.   The data processing system of claim 27, wherein the processing unit executes the set of instructions to perform the additional acts of:

receiving feedback about the user; and

based on the feedback, modifying the reliability rating.

32.   The data processing system of claim 27, wherein the processing unit executes the set of instructions to perform the additional act of:

sharing the reliability rating with at least one auction server.

33.   The data processing system of claim 27, wherein the reliability rating includes at least one of a buying limit and a selling limit.

34.   The data processing system of claim 27, wherein the processing unit executes the set of instructions to perform the additional act of:

presenting to the user a rationale for why the user received the initial value.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.